

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MIKE HUCKABEE, RELEVATE GROUP,  
DAVID KINNAMAN, TSH OXENREIDER,  
LYSA TERKEURST, and JOHN BLASE  
on behalf of themselves and all others  
similarly situated,

Plaintiffs,

- against -

META PLATFORMS, INC., BLOOMBERG  
L.P., BLOOMBERG FINANCE, L.P.,  
MICROSOFT CORPORATION, and  
THE ELEUTHERAI INSTITUTE,

Defendants.

Case No. 23-cv-09152-MMG

**ORAL ARGUMENT  
REQUESTED**

**NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendants Bloomberg L.P. and Bloomberg Finance L.P. (together, “Bloomberg”) respectfully submit this Notice of Supplemental Authority to alert the Court to the August 19, 2024 decision in *Santos v. Kimmel*, No. 24cv1210 (DLC), 2024 WL 3862149 (S.D.N.Y.), attached hereto as Exhibit A, which was issued after briefing was complete on Bloomberg’s pending Motion to Dismiss Plaintiffs’ First Amended Complaint (ECF Nos. 86-87, 91, the “Motion”). The *Santos* decision is relevant to the proposition that the Second Circuit and this District have recognized that a copyright fair use defense may appropriately be adjudicated on a motion to dismiss.

DATED: August 22, 2024

Respectfully submitted,

FRIED, FRANK, HARRIS, SHRIVER  
& JACOBSON LLP

By: /s/ Nicole M. Jantzi

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